

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE TELESCOPES ANTITRUST
LITIGATION

Case No. [20-cv-03642-EJD](#) (VKD)

**ORDER STAYING BRIEFING ON
DEFENDANTS' MOTION FOR
CONTEMPT AND SANCTIONS;
DIRECTING SEPARATE DISCOVERY
DISPUTE SUBMISSION**

Re: Dkt. No. 562

On January 18, 2024, defendants filed a motion for contempt and sanctions, contending that plaintiff Pioneer Cycling & Fitness LLP ("Pioneer") and its counsel refused to comply with the Court's January 10, 2024 Order re Deposition Schedule (Dkt. No. 555). Dkt. No. 562.¹

The order in question directed that Pioneer's Rule 30(b)(6) deposition "shall proceed as scheduled on January 12, 2024," and provided that "[i]f plaintiff did not produce all responsive documents relevant to the noticed topics sufficiently in advance of the date of that deposition to permit defendants a reasonable time to prepare for it, the Court will permit defendants to take a further Rule 30(b)(6) deposition of Pioneer Cycling addressing any late-produced documents and information." Dkt. No. 555 at 2. In other words, the order indicated that a further Rule 30(b)(6) deposition would be permitted *if* Pioneer had not produced documents in sufficient time for defense counsel to review them and prepare for the deposition. From the extended colloquy between counsel that apparently occurred at the deposition, the Court understands that the parties dispute whether and to what extent Pioneer's

¹ Although the motion is presented as a regularly-noticed motion, it is noticed for hearing on February 13, 2024, which is less than the 35 days' notice required by Civil Local Rule 7-2(a).

1 production of documents was too late to allow for adequate preparation by defense counsel (and,
2 indeed, whether Pioneer's production is even complete). *See* Dkt. No. 562 at 4-6. The parties must
3 submit *this* dispute to the Court for decision, using its expedited discovery dispute procedures, before
4 the Court will entertain defendants' request for contempt and/or sanctions.

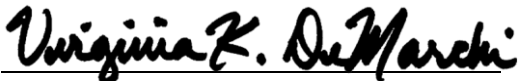
5 Accordingly, the Court orders as follows:

6 1. Defendants' motion for contempt and sanctions (Dkt. No. 562) is stayed pending
7 further order of the Court. The February 13, 2024 hearing is vacated.

8 2. The parties shall submit a joint discovery dispute letter addressing the underlying
9 question of whether and to what extent Pioneer failed to produce responsive documents relevant to the
10 noticed topics sufficiently in advance of January 12, 2024 to permit defense counsel a reasonable time
11 to prepare for Pioneer's deposition. The joint submission must be filed no later than **January 30,**
12 **2024**, unless the parties stipulate to a different date.

13 **IT IS SO ORDERED.**

14 Dated: January 19, 2024

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17 VIRGINIA K. DEMARCHI
18 United States Magistrate Judge
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